

APPROVED: Meeting No. 33-85

ATTEST: *Helen M Heneghan*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 26-85

May 13, 1985

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, May 13, 1985, at 8:00 p.m.

PRESENT

Mayor Viola D. Hovsepian

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman Peter R. Hartogensis

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; City Attorney Paul Glasgow.

Re: Proclamation:
Historic Preservation
Week and Peerless
Rockville Awards
Presentation

Proclamation No. 8-85

There being no objection from the Council, Mayor Hovsepian proceeded to proclaim the week of May 12, as Historic Preservation Week in Rockville. Councilman Abrams read the Proclamation at the request of the Mayor in which it was urged that all citizens recognize and participate in this special observance. Mr. Harlow Osborne, President of Peerless Rockville, accepted this proclamation from Mayor Hovsepian. He introduced Alice Kelly, Chairman of the Awards Committee. Awards were presented to the following people: Stewart Bauman and Dick McMullin, 100 North Street; C.I. Best & Co. for Rockville Manor

on East Gude Drive; Mr. & Mrs. John Summerour, 715 Douglas Avenue; Mr. & Mrs. Manyard, from Burbanks, 20 West Montgomery Avenue; Steven & Erin Owens for the Dawson Farmhouse.

Mayor Hovsepien read a statement in which she announced the restoration work done by the City itself in the installation of exterior shutters at the Beall Dawson House.

Councilman Abrams commended Mayor Hovsepien's efforts in bringing about the passage of a resolution calling for a uniform drinking age in D.C. Mayor Hovsepien thanked Councilman Abrams for his action in initiating the resolution.

Re: Appointments

Mayor Hovsepien made the following appointments. They were confirmed by the Council:

Senior Citizens Commission: Bessie Frank - 3 year term
261 Congressional Lane

Cultural Arts Commission: Beverly Nelson - 2 year term
1397 Kersey Lane

Human Rights Commission: Uma Saini - 4 year term
806 Carter Road

Traffic & Transportation Commission: Glennon Harrison - 1 year as Chairman
(effective 6/1/85)

Sister City Task Force: James Patrician - 2 year term
6 Marcus Court

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Dennis Kelley, 401 West Montgomery Avenue, Vice President of West End Citizens Association. Speaking on behalf of the association, Mr. Kelley protested the construction of a 135 foot tower on top of the Rockville Metro Center by Tribune United. He said it is aesthetically offensive and clearly illegal. At the same time there is a reasonable alternative since the Executive

Office Building was offered to Tribune United for the placement of the dish. He specifically requested that the Mayor and Council see that the tower is removed. Councilman Tyner asked the City Manager to return with information later in the evening.

2. Robert Jacques, Aster Boulevard. Mr. Jacques addressed the Council concerning the incompetence of Tribune United in home installation of cable service. He said he has had many problems and there is no way of dealing with them and he asked if his problems are shared by many citizens and if so would the City intervene.

There being no further citizen wishing to be heard, the Mayor closed the Citizen's Forum portion of the hearing.

Re: Public Hearing: Map
Amendment Applica-
tion, M-42-85, J.
Lynott, Jr., Attorney
for Wm. Rickman, re-
questing the rezoning
of an 11.78 acre
tract on Research
Blvd. from the I-2,
Light Industrial Zone
to the I-3,
Industrial Park Zone

The Mayor and Council conducted a public hearing on Map Amendment Application, M-42-85, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other person wishing to be heard, the Mayor closed the hearing with the record to be held open for 2 weeks.

Re: Work Session: Animal
Control Board

Ruth Hanessian, Chairman of the Animal Control Board and members Nancy Ackerman and Ruth Holt, Alternate Lucinda Denton and former Chairman Dick Simmonds, met in work session with the Mayor and Council and discussed the

activities of the Animal Control Department in the City. The Board made several requests: (1) that a temporary Animal Control Warden be made permanent, (2) there be in-service training for wardens, (3) proper public recognition for the wardens, (4) additional staffing such as a full-time secretary and (5) relocation of the animal control desk since it serves too much as an information center. They noted there problems with the work not being done and tickets not being paid. The Chief of Police took all of the items into account and will report back to the Mayor and Council with specifics.

Re: Historic Preservation
Update

Mr. Dwayne Jones of the Planning Department and Mr. Michael Patterson, Chairman of the Historic District Commission briefed the Mayor and Council on Historic Preservation progress in the City. They noted the five step plan: (1) Conflict Reduction, (2) Increase in Conformity, (3) Outline of Future Plans, (4) Comprehensive Study (5) Completion of Proposal. Mr. Jones showed a map of districts and outlined the action program.

Objective 1

Prepare step one of a three-part historic resources management plan for the City and coordinate with the Maryland Historical Trust

Purpose: To organize the City's preservation interests in a format that can be assimilated with other ongoing planning activities and set priorities for preservation work in the City for the next decade.

Status: Five citizen and six professional representatives formed an advisory committee to the Historic District Commission, to be known as the Preservation Advisory Committee. Three meetings were scheduled for the spring; one remains to be held.

Objective 2

Research and document 40 properties within the existing historic districts using Maryland Historical Trust inventory forms.

Purpose: To establish a more accurate and thorough database on the properties within the districts that will assist the Historic District Commission in making more knowledgeable decisions.

Status: Contract executed with Peerless Rockville for historical research and State of Maryland requirements for the properties; architectural research provided by Project Administrator. George Washington University students contributed to this work.

Objective 3

Transfer of basic data on researched properties to the resource data base of the Planning Department

Purpose: To provide quicker access to information on properties under the purview of the Historic District Commission.

Status: Computer program has been prepared and corrected to place the first forty researched properties, completed in 1984, on the computer.

Objective 4

Preparation of a map showing historic districts and historically/architecturally significant sites

Purpose: To provide information to newcomers, schools, civic groups, and interested citizens on the location of the historic districts and other historically/architecturally significant sites around the City.

Status: Initial research and plotting of boundaries completed; artwork and printing remain.

Objective 5

Complete the groundwork for a slide-tape program

Purpose: To be shown to newcomers, schools, civic groups and interested citizens to educate them on the history of the City.

Status: Some slides for the program have been taken; the product of Objective 1 will serve as the outline for this program.

Objective 6

Organize the Historic District Commission's files and the researched information on the historic properties.

Purpose: To provide more accurate and thorough review of the historic properties and assist the staff and Historic District Commission in their decision-making.

The funding for Phase I was provided by the Mayor and Council with matching funds from the Maryland Historical Trust, Certified Local Government Grant.

Mayor/Council	\$10,000 + in-kind staffing
Maryland Historical Trust:	\$12,000

Phase II: (July, 1985 - June, 1986), as originally presented and approved, required \$38,000 for year II. The program was trimmed in 1984 because of limitations on funding from the State and the Maryland Historical Trust; (\$12,000 maximum for any one jurisdiction.) The current program calls for \$32,000 in expenditures for FY 86 (\$12,000 from State sources, and \$20,000 from City sources). The State verbally has promised to meet its commitment of \$12,000, or 37% of funding, for Phase II. (The State is limited to granting no more than 30% of of its total funds available to one jurisdiction designated as a Certified Local Government.) This leaves \$20,000 or 63% to be approved for 1986. At present, \$12,000 is proposed in the City Manager's budget, leaving a balance of \$8,000 unmatched.

Because of the quality and benefits to the City from the continuation of this program as outlined, staff recommends full funding as indicated above.

Mr. Michael Patterson, Chairman of the Historic District Commission, expressed the importance of the project and how pleased the Commission is with the progress. He noted that Phase I will be completed this summer and asked the Council's funding for the full Phase II.

Re: Award of Contract:
Bid No. 72-85, Gude
Drive/Research Blvd.
street lights

Bids were opened on Thursday, April 11, for the installation of 76 street lights on West Gude Drive, from Route 355 to Research Boulevard, and 15 street lights on Research Boulevard, north and south of Gude Drive. The purpose of this project is to provide for safe nighttime driving and pedestrian environment consistent with national roadway lighting standards.

Six bids were received for this project:

Lift-A-Loft, Corp., Muncie, Indiana	\$ 74,913.00
Brandenburg Electric, Inc., Frederick, MD	82,176.35
Jack Stone Electrical Construction, Inc., Landover, MD.	95,546.00
Hawkins Electric Co., College Park, MD	111,534.00
Henkels & McCoy, Inc., New Castle, DE	158,842.80
Paul J. Vignola Electric Co., Hyattsville, MD	\$198,781.00
Engineer's Estimate	\$129,440.00

The project is funded as a part of the Gude Drive Roadway project, of which the County covers approximately 75% of the total cost.

This bid covers equipment for which the City maintains ownership - mainly poles, foundations, and the street lights themselves. In addition, PEPCO must be compensated for the underground conduct and wiring work associated with these lights, as a cost of approximately \$130,000.

Lift-A-Loft is the City's lighting maintenance contractor, and has performed satisfactorily in that capacity for the last two years. Their local office and maintenance facility is located in Springfield, Virginia. The second low bidder, Brandenburg, was the contractor on last year's conversion (from mercury vapor to high-pressure sodium) of 250 City-owned street lights.

The staff recommends award of Bid No. 72-85 to Lift-A-Loft Corporation for its low bid of \$74,913.00.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, Bid No. 72-85 was awarded to Lift-A-Loft Corporation in the amount of its low bid of \$74,913.00.

Re: Award of Contract:
Bid No. 75-85, Water
Main Rehabilitation

This project was authorized in the City Capital Improvements Program for both cleaning and also cement lining several important primary water mains at various locations.

All of these mains are located in the older sections of the City and were installed prior to 1962, the time when the City initiated a requirement allowing

only the use of cement lined pipe in the public water system. Primary mains were selected to provide a system improvement in which benefits will accrue to large areas and not just to the specific users on the streets in which the lines are cleaned.

The purpose of the cleaning process is to remove hardened encrustations from the walls of the pipelines which have been building over the years from water borne minerals and treatment chemicals.

The purpose of the cement lining process is to prevent the encrustations from rebuilding on the pipeline walls.

Three bids were received as follows:

Raymond International Builders, Inc., Rochelle Park, N.Y.	\$468,085
Ameron Inc., Kenilworth, N.Y.	555,940
Spiniello Construction, Co., Morristown, N.J.	533,660
Engineer's Estimate	\$470,750

The major work under this contract will be accomplished on a unit price basis.

This is the first major contract for water main rehabilitation undertaken by the City. The low bidder, Raymond International Builders, Inc., has provided similar services for numerous municipalities throughout the United States and is well qualified to perform for the City. The prices they offer are reasonable.

For these reasons it is recommended they be awarded the bid in an amount not to exceed the combined City appropriation of \$434,000 on the following basis:

- (a) The total expenditure under CDBG fund 5F38 not exceed \$248,000
- (b) The total expenditure under W&S fund 5F33 not exceed \$170,000
- (c) The total expenditure under W&S fund 5B03 not exceed \$16,000.

On motion of Councilman Tyner, duly seconded and unanimously passed the Mayor and Council approved the staff's recommendation awarding the Bid to

Raymond International Builders, Inc., in an amount not to exceed the appropriation of \$434,000.

Re: Preliminary Review
and Referral of Text
Amendment Applica-
tion, T-70-85,
Fortune Parc Develop-
ment Corporation -
Office Park

The subject Text Amendment proposes amendments to the newly adopted Special Development Procedures for a Comprehensive Planned Development. The amendments would extend the applicability of the Comprehensive Planned Development to include certain tracts of land in the I-3 Zone and make some adjustments there- to. The specific objective is to accommodate the planned Fortune Parc Develop- ment at the intersection of Montrose Road and Seven Locks Road which is currently under Montgomery County's jurisdiction.

The staff recommends that this application be accepted for processing and referral to the Planning Commission for evaluation.

On motion of Councilman Duncan, duly seconded and unanimously passed, Text Amendment Application, T-70-85, was referred to the Planning Commission for further review.

Re: Introduction of
Ordinance: To
appropriate funds and
levy taxes, FY 86

On motion of Councilman Abrams, there was introduced upon the table an ordinance to appropriate funds and levy taxes for FY-86, said ordinance to lay over at least one week before final action is taken.

Re: Award of Contract:
Bid No. 50-85,
Playground Equipment

Invitation to Bid No. 50-85, was issued for the purchase and installation of playground equipment and site furnishings for six City of Rockville parks.

Bids were opened at 2:00 p.m. on Friday, March 29, 1985. Two bids were received:

Mitchell Industries, Inc., Glen Burnie, Maryland	\$54,370.00
Alperstein Brothers, Inc., Washington, D.C.	\$82,031.00

The project is funded in the FY 84 Capital Improvement Program at \$75,700 for design and construction. This is a Program Open Space assisted project. The project includes new play equipment and amenities at the following parks: College Gardens, Pump House, Calvin, Dogwood, Maryvale and Woodley Gardens.

Generally, the new amenities will provide play alternatives and improvements to the existing equipment.

The project involved citizen input from the various neighborhoods.

The original bids received were over the budgeted amount. In order to both remain within budget and meet the needs of the citizen groups using the parks, it was determined to delete several items of equipment while increasing the quantity of a few. The above-referenced bids reflect these changes, and the City's standard reservation included in all Invitations to Bid states: "The City reserves the right to add or delete any items from the bid in whole or in part at the City's discretion without affecting the bid prices for any item or remaining work. Unit prices submitted in the bid shall not be increased or decreased regardless of any change in quantity."

The only major item that was deleted from the Bid was the "Protective Play Base" which is the safety surface under the play equipment. Amounts of \$28,757.00 from Mitchell and \$33,470.00 from Alperstein were redesigned to lower the cost of this item and then rebid as soon as possible. Our intention is to have the rebid "safety surfaces" portion start construction as soon as we possibly can after the play equipment is installed. We will keep the new play equipment pieces closed until the safety surfaces are in place. It is anticipated that this delay will be no longer than four weeks.

It is recommended that award be made to Mitchell Industries in the amount of \$54,370. Recreation and Parks has confirmed that this firm has previously done satisfactory business with the City.

On motion of Councilman Duncan, duly seconded and unanimously passed, Bid No. 50-85 was awarded to Mitchell Industries, Inc., in the amount of \$54,370.00.

Re: Award of Contract for
sole source purchase
of disc drive and
additional memory
capacity to Hewlett
Packard

The current requirement is for the purchase of the above-referenced upgrades to the HP 3000 in Information Systems Division.

The above-referenced items are necessary to meet the following requirements to the City:

Information Systems is now running major new programs on the HP 3000 as well as major new expanded requirement on established programs. These programs include but are not limited to the Water Billing System, the new Accounting System, the Voter Registration System, and the Recreation System.

The Disc Drive, additional Memory, and Field Upgrade have the unique features which satisfy the City's needs referenced above:

The Disc Drive provides substantial more information storage. The additional Memory and Field Upgrade provide faster access to data.

Only Hewlett-Packard Brand equipment is compatible with the Hewlett-Packard 3000 mainframe.

A good faith review has been conducted of all potentially available sources for the required items. It has been determined that only Hewlett-Packard sells the referenced items for the HP 3000. In addition, it has been determined that the items may be purchased against a State of Maryland Contract CC524 with a 17% discount. The State of Maryland uses purchasing procedures similar to the City's and it has been previously confirmed that the pricing is as good as or better than otherwise available under the City's own competitive procedures.

Based on the above-referenced information, staff hereby determine's that only Hewlett-Packard is available for the purchase of the items noted and that the items may be purchased against the referenced State of Maryland contract.

The total cost is \$34,279.

On motion of Councilman Abrams, duly seconded and unanimously passed, the purchase of the Disk Drive, additional memory and field upgrade for Hewlett Packard mainframe 3000 was awarded to Hewlett Packard in the amount of \$34,279.

Re: Approval of Minutes

On motion of Councilman Duncan, duly seconded and unanimously passed, the minutes of Meeting No. 19-85, April 8, 1985, were approved as corrected.

On motion of Councilman Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 20-85, April 12, 1985, were approved as written.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all voting (Councilman Hartogensis abstaining) the minutes of Meeting No. 21-85, April 15, 1985, were approved as amended.

The approval of the minutes of Meeting No. 22-85, April 22, 1985, was postponed because of a missing page.

On motion of Councilman Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 23-85, May 2, 1985, were approved as written.

Re: Correspondence

The Mayor and Council noted the following items of correspondence for the week of May 6, 1985:

1. Lucinda Hall, re Police incident (and response)
2. Steven Piantadosel, re sewer line problem
3. William Roberge, EDC, re Rockville Pike Transportation Issues
4. Rockville Human Rights Commission, re Telegram to President Reagan
5. Sister Cities International, re display of plaque

6. County Executive, re Westmont
7. Karen H. Bourdon, re sub-minimum wage for youth
8. Dr. Cody, re crossing guards at Julius West
9. Kathryn J. Sayer, re resignation from HRC

The Mayor and Council noted the following items of correspondence for the week of May 13, 1985:

1. G. W. Johnson, Maryvale School, thank you and invitation

Councilman Duncan asked if this had been taken answered. The Mayor said she has accepted the invitation and will be visiting Maryvale School on Thursday, May 16.

2. R. Eldon Dick, re Redgate Lakes
3. M. Snyder, Md. DOT, re signalization of Rt. 355 and Talbott St.

Councilman Hartogensis suggested this be followed up with a telephone call and a letter. Councilman Abrams joined Councilman Hartogensis in his comments and noted that the State will never get warrants from cross traffic. They have to observe the intersection to understand the need.

4. J. G. Carleton, re financial assistance for Lenmore project

Councilman Hartogensis said he is disappointed with this. He thought it was taken care of. He asked if it would have any impact on the budget. The City Manager said it would and the staff would recommend against it at this time; however, he will provide more information to the Council.

5. Peerless Rockville, thank you
6. G. R. LaRacque, re nuclear arms race
7. R. P. Schallon, re cable television problem
8. Lena Mah, re Wootton boundary change
D. J. & M. W. Crawford, re Wootton boundary change
9. Paul J. Sage, re public safety problems
10. C. J. Short, re A Children's Place

Councilman Duncan asked about the City's representative on this task force. The Mayor said the City Manager is doing a follow up on this. Councilman Tyner asked that the \$10,000 formerly requested for A Children's Place be placed on the Mayor and Council's wish list.

Re: Information Items

1. Planning Commission letter to citizens re Rockville Pike Advisory Council
2. Memo from City Attorney re Silverman v. Animal Control Board
3. Memo from CDHA (4/25) re Chronology of dealing with Winmar/Nordal
4. Response to citizen complaint (Holler)
5. Letter to Montgomery County Chapter MML re Legislative Advisory Group
6. Response to Mrs. Joseph request
7. Response to Mrs. Johnson letter
8. L & I information on 101 S. Van Buren Street
9. Economic Update
10. Information on Rotary Run and Scholarship Fund
11. Wall Street Journal reprint
12. Senior Newsletter
13. Flyer on Lincoln Park Job Fair
14. Copy of letter to County Council re school construction
15. Copy of letter of complaint to Tribune United from Rockville citizen
16. Project report from CDHA
17. Memo from City Manager on Dawson Farm Park
18. Letter to City Manager re transferring ownership of Frederick Ave. pedestrian bridge

The Mayor and Council noted the following items of information for the week of May 13, 1985:

1. Newsletter
 2. Information re Crowd exits at RHMS on July 4
 3. Letter complimenting employee
 4. Memo from Director of Community Resources re employee
 5. Memo from City Attorney re Appeals from Board of Appeals decision on Marriott
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6. Memo re Preliminary Town Center Development Projects

Councilman Abrams asked if the City Manager would forward additional information on this. The City Manager said he knows the Planning Commission is not pleased with the hotel suggestion and he is not aware of the progress on GEISCO but he does know they are expanding here and not going to Quince Orchard.

7. Memo re Twinbrook Shopping Center

Councilman Duncan suggested that the staff talk directly with Safeway and not continue to deal with the landlord. If they have any conflicting stories it should be resolved. He would also like to have the staff check into the ownership of the greenspace between the residential area and the shopping center. Mayor Hovsepian noted that the American Legion will be relocating to that side of the street and the relocation should call for a use permit. She suggested that the Planning Commission might ask for some suggestions from the Mayor and Council as to what should be required for the use permit.

8. Memo re Appeals from Mayor and Council decisions on PA 12

Councilman Abrams asked the status. The City Attorney said the record must be transmitted to court within thirty days on June 4 and then the appellant has thirty days to respond. It will then be necessary to wait for an assignment and it would depend on the function of the judge's calendar. Councilman Abrams asked if there were any restraints to development in the interim. The City Attorney said there are none, however, a lawsuit can be an impediment to securing financing. Councilman Hartogensis asked to be kept informed of the status and the date of the litigation so that he might attend but not participate.

9. Memo from Traffic Engineer re W. Jefferson Street

10. Responses to citizen's requests

11. Information re monitoring of Holladay-Tyler

12. Letter re Montrose Road extension

Re: New Business

1. The Mayor had forwarded a memo to the Council requesting a recess the last two weeks in August. The Mayor and Council agreed to the recess provided that on September 9, when the Council returns, the agenda is kept as light as possible, preferably only meeting from 8 to 9 p.m.

2. Councilman Tyner said he will soon be providing to the Mayor his recommendations for appointment to the Science and Technology Commission.

3. Councilman Tyner said he has been appointed Chairman of the Maryland Municipal League Task Force to provide a joint review on taxes. Mary Parker of the City staff will also be on the task force.

Re: Executive Session

There being no further business to come before the Mayor and Council in general session the meeting was closed for executive session to discuss personnel.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at midnight on Tuesday, May 14, 1985, to convene in work session on Tuesday, May 14, 1985, at 8:00 p.m. or at the call of the Mayor.